

The SPEAKER. Congratulations. You are now Members of the 117th Congress.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath of office to Members-elect, the whole number of the House is now 433.

MOMENT OF SILENCE IN HONOR AND REMEMBRANCE OF UNITED STATES CAPITOL POLICE OFFICERS BRIAN D. SICKNICK AND HOWARD LIEBENGLOOD

The SPEAKER. The Chair would ask that all Members and staff present in the Chamber and throughout the Capitol please rise for a moment of silence in honor and remembrance of the dedication and service of the fallen United States Capitol Police Officers Brian D. Sicknick and Howard Liebengood.

RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 6 o'clock and 3 minutes p.m.), the House stood in recess.

□ 1818

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BROWN) at 6 o'clock and 18 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 21, CALLING ON VICE PRESIDENT PENCE TO CONVENE AND MOBILIZE THE CABINET TO ACTIVATE SECTION 4 OF THE 25TH AMENDMENT TO DECLARE PRESIDENT DONALD J. TRUMP INCAPABLE OF EXECUTING THE DUTIES OF HIS OFFICE; AND FOR OTHER PURPOSES

Ms. SCANLON, from the Committee on Rules, submitted a privileged report (Rept. No. 117-1) on the resolution (H. Res. 38) providing for consideration of the resolution (H. Res. 21) calling on Vice President MICHAEL R. PENCE to convene and mobilize the principal officers of the executive departments of the Cabinet to activate section 4 of the 25th Amendment to declare President Donald J. Trump incapable of executing the duties of his office and to immediately exercise powers as acting President; and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H. RES. 21, CALLING ON VICE PRESIDENT PENCE TO CONVENE AND MOBILIZE THE CABINET TO ACTIVATE SECTION 4 OF THE 25TH AMENDMENT TO DECLARE PRESIDENT DONALD J. TRUMP INCAPABLE OF EXECUTING THE DUTIES OF HIS OFFICE; AND FOR OTHER PURPOSES

Ms. SCANLON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 38 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 38

Resolved, That upon adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 21) calling on Vice President Michael R. Pence to convene and mobilize the principal officers of the executive departments of the Cabinet to activate section 4 of the 25th Amendment to declare President Donald J. Trump incapable of executing the duties of his office and to immediately exercise powers as acting President. The amendment to the preamble printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The resolution, as amended, shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble, as amended, to adoption without intervening motion or demand for division of the question except one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees.

SEC. 2. The prohibition against personality in debate shall not apply during consideration of measures specified in section 3 of this resolution with respect to references to the President.

SEC. 3. The measures referred to in section 2 of this resolution are as follows:

(a) House Resolution 21.

(b) Any special order of business providing for the consideration of House Resolution 24.

SEC. 4. (a) During a covered period designated pursuant to section 3(s) of House Resolution 8—

(1) the Sergeant-at-Arms is authorized and directed to impose a fine against a Member, Delegate, or the Resident Commissioner for the failure to wear a mask in contravention of the Speaker's announced policies of January 4, 2021; and

(2) a fine imposed pursuant to this section shall be treated as though imposed under clause 3(g) of rule II, and shall be administered as though pursuant to clause 4(d) of rule II, except that—

(A) the time periods described in clause 3(g)(3)(C) of rule II shall not commence until the Committee on Ethics has adopted written rules, and the chair of the Committee on Ethics shall notify all Members, Delegates, or the Resident Commissioner with pending appeals upon such commencement; and

(B) a fine subject to appeal under clause 3(g)(3) of rule II shall proceed unless dismissed within the time period provided under clause 3(g)(3)(C) of rule II.

(b) Subsection (a) establishes a standard of conduct within the meaning of clause 3(a)(2) of rule XI.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 1 hour.

Ms. SCANLON. Mr. Speaker, for the purpose of debate only, I yield the cus-

tomary 30 minutes to the gentleman from Oklahoma (Mr. COLE), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. SCANLON. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Ms. SCANLON. Mr. Speaker, today the Rules Committee met and reported a closed rule, House Resolution 38, providing for consideration of House Resolution 21, calling on Vice President MICHAEL R. PENCE to convene and mobilize the principal officers of the executive departments of the Cabinet to activate section 4 of the 25th Amendment to declare President Donald J. Trump incapable of executing the duties of his office and to immediately exercise powers as acting President.

The rule provides 1 hour of debate equally divided and controlled by the chair and ranking member of the Committee on the Judiciary or a designee. The rule self-executes a manager's amendment by Chairman NADLER. The rule provides that the prohibition against engaging in personalities during debate, with respect to references to the President, shall not apply during consideration of House Resolution 21 or any special order of business relating to the impeachment of the President considered on January 13, 2021.

Finally, the rule authorizes and directs the Sergeant at Arms to impose a fine against a Member, Delegate, or the Resident Commissioner for the failure to wear a mask in contravention of the Speaker's announced policy on this subject for the duration of the pandemic.

Mr. Speaker, we are here today to debate the rule for House Resolution 21, a resolution calling for Vice President PENCE to invoke the 25th Amendment and declare President Donald Trump incapable of executing the duties of his office. We take this action solemnly and with grave concern for the safety and security of our Nation and its people, even in the final days of this President's administration.

Last Wednesday, a lawless mob breached this Chamber with the most evil and destructive intent. They were here to take the law into their own hands, to disrupt Congress as it counted the electoral college votes, and to overturn the lawful election of Joseph Biden as our 46th President.

As violent invaders broke windows and rammed doors, they chanted that they wanted to hang the Vice President and kidnap the Speaker of the House, and they brought the tools to do it. They beat one police officer to death, tased others, and tried to shoot one with his own gun. Another officer will likely lose an eye. Scores of others

suffered head injuries when they were beaten with pipes. Blood was spilled on the marble floor just outside this room.

Members, staff, and reporters were forced to take cover under furniture and barricade themselves in rooms, clutching gas masks and fearing for their lives as the President's MAGA supporters chanted and raged nearby. Journalists were specifically targeted and beaten. Explosive devices were placed nearby to divert the police from protecting the Capitol.

This was not a peaceful protest. These were crimes against our country and the people who go to work every day on Capitol Hill. Just this afternoon, the FBI announced that it expects to charge hundreds of people with crimes ranging from simple trespass to conspiracy and sedition, to weapons offenses, to felony murder.

Crimes like this do not occur in a vacuum. They must be planned. They must be led.

The attack on the Capitol was incited by this administration. For months, they told their supporters that if they didn't win the election, the election was rigged. When the majority of American voters decided they had had enough of this chaos, they declared that the election had been stolen. The administration invited the President's most rabid supporters to come to D.C. on January 6 for a wild protest. Then the administration whipped them into a frenzy and sent the mob across town to attack the Capitol and disrupt the counting of electoral college votes. But it didn't end there.

The President reportedly watched with excitement as the news media began streaming images of the terror at the Capitol through electronic devices in America and around the world. The President tweeted that the Vice President had betrayed him. And even after the violence was apparent, the President and his lawyer placed calls to allies on Capitol Hill, trying to persuade them to prolong their objections to the counting of the electoral votes. What the administration didn't do for hours was to lift a finger to call off the mob or to rally support to defend the government, the historic monuments in the Capitol, the police, or especially the people under siege in the building. Members here in this Chamber know that, for hours, the President refused to return their calls begging for help.

Mr. Speaker, in the days since, the administration has continued to claim that the election was rigged. It has denied any responsibility for the riot, and praised the rioters, all while reports proliferate that the administration's supporters are planning more violence in the weeks ahead.

This is why this President remains a clear and present danger to the country, so long as he continues to serve. The reality is that we all—even the most loyal political supporters—know that this President is unfit for office. Any other President with an ounce of character would have resigned after

seeing the bloody consequences of the actions on Wednesday. Any other administration would have invoked the 25th Amendment long ago.

I don't care if a President incites a riot against Congress on his first day or the last day of his or her Presidency. Such an act is a crime against our government, much less against the people who are terrorized or killed in the attack. If a President can refuse to acknowledge the will of American voters, then incite a coup to stay in power without punishment, then our democracy is lost.

Mr. Speaker, that is why it is vital for Vice President PENCE and the Cabinet to do the right thing—to invoke the 25th Amendment. Otherwise, this Congress must remove Donald Trump from office.

I have heard the calls for unity, and I agree that now is the time to come forward in unity, to defend our country, not to defend a man who has proven himself incompetent to occupy the office of the President for another day.

I am grateful to those Members of the Republican Party who agreed that the time has come to put loyalty to country above partisan considerations. And we welcome their support in taking whatever actions are necessary to end this chaos, to defend our government, and to protect the American people.

□ 1830

I also find the cries of partisanship by the President's remaining supporters to be unconvincing. The whole world watched in horror on January 6 as the administration encouraged a mob to attack the seat of our democracy to disrupt the election of Joseph R. Biden and then stood by as rioters sacked the Capitol.

Many civic leaders from both parties have condemned the President's actions and called for his removal. So, no, this is not partisan.

But I invite the President's supporters in Congress—no, I beg them—to join the American people in holding this President accountable for the violence we experienced last week and to prevent further chaos in the days to come.

Before I conclude, I want to take a minute to give my deepest condolences to the families of the Capitol Police officers who died as a result of this attack. I want to thank the men and women of the Metropolitan and Capitol Police forces who valiantly defended both our democracy and the people who work on the Hill and wish a speedy recovery to the scores who were injured during the attack.

I also want to thank our tireless facilities and custodial staff for putting the building back together after terrorists violated it and the members of the press corps who have been so abused by this administration and were specifically targeted by this mob but continued documenting the attack so Americans could see what was really happening.

Lastly, I want to thank our staff across the Capitol for their bravery and dedication to public service. I want to thank them for the work they do every day but especially for their heroism in returning to the floor last Wednesday night to help us continue the electoral college vote count, and I thank them for being back here with us today. We are indebted to them for their service to our country.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE. Mr. Speaker, I thank my friend, the gentlewoman from Pennsylvania (Ms. SCANLON) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Just a few days ago, the Nation was shaken by the violent and destructive actions of an outrageous mob that stormed the Capitol and attempted to gain access to this very Chamber, seeking to harm innocent lives and disrupt democracy at work.

I vehemently condemn their lawless actions. This never should have happened, and the perpetrators of these despicable crimes that took place in this building must be prosecuted to the fullest extent of the law.

While Americans have the right to passionately voice their views and peacefully dissent in protest, the siege on our Capitol last Wednesday was the furthest thing from peaceful protest. As a result of the violent and frightening events of the day, six lives have been lost.

This includes two courageous Capitol Police officers who put themselves in harm's way to protect us, secure the building, and restore order. We will never forget their selfless sacrifices and bravery. Our deepest prayers remain with their families, friends, loved ones, and the entire United States Capitol Police force as they grapple with their heavy loss.

As we seek to pick up the pieces and move forward healing our Nation, I am concerned that the majority is proceeding with the wrong course of action.

Earlier today, Mr. Speaker, the Rules Committee met and reported out a rule for consideration of House Resolution 21. This is a nonbinding resolution calling on Vice President MIKE PENCE to convene the Cabinet and declare President Trump incapable of executing his duties pursuant to section 4 of the 25th Amendment.

I think this resolution is misguided and inappropriate for the legislative branch to pursue. As such, I must oppose it.

Mr. Speaker, under the 25th Amendment to the Constitution, when it appears the President is unable to fulfill his or her duties, it is the responsibility of the Vice President, with the concurrence of a majority of the Cabinet, to initiate the process for making that determination.

That responsibility, grave as it is, rests solely with the Vice President. There is no role for Congress in this

process. The only role for Congress arises later and only in the circumstances where there is a dispute between the President and Vice President about the President's ability to fulfill his or her duties, but we are not faced with that situation now.

Nor is this resolution intended to designate, by law, another body besides the Cabinet to exercise this power, which the text of the 25th Amendment says it may do. Instead, with today's resolution, what the majority is asking the House to do is to assume a power it does not have. The House has no role in initiating section 4 of the 25th Amendment, and we should not pretend otherwise. Instead, that power lies with the Vice President.

And we should be very clear about what this resolution actually is. It is an attempt to pressure the Vice President into performing a duty he clearly does not believe is necessary at this time.

Mr. Speaker, I was here in the Capitol last week, as were all of my colleagues. We all had the opportunity to watch Vice President PENCE as he fulfilled his duty under the Constitution. He showed sound judgment and poise under pressure, and his actions were above reproach. Indeed, he fulfilled his oath of office and acted in a manner befitting his constitutional role. It was a statesman-like performance under the most difficult of circumstances.

Despite witnessing the Vice President's sound judgment and ability to fulfill his oath in person, the majority is now seeking to push him into performing an additional action under the 25th Amendment. The Vice President has not done what the majority wishes him to do, and so they are bringing up this resolution now in effort to pressure him into doing so.

This act, attempting to substitute the House's judgment for the Vice President's, is not contemplated anywhere in the Constitution. As we all saw last Wednesday, Vice President PENCE's judgment is sound. There is no need for the House to attempt to substitute its judgment for his own.

I personally have strong faith in him, and I believe he will consider his constitutional duty in the same manner that he carries out all of the other constitutional duties assigned to him: in a forthright manner that fulfills his oath of office and attests to his personal integrity.

Should the Vice President ever believe that the 25th Amendment needs to be invoked, I have no doubt that Vice President PENCE, both as a leader, as a former House colleague, and as a friend, would exercise good judgment with respect to performing that duty. That he has not taken that action thus far is not an indication that the House needs to push him to do so. His record of sound judgment should speak to us on this issue.

As such, I urge my colleagues to reject this resolution. I urge a "no" vote on the rule, a "no" vote on the under-

lying measure, and I reserve the balance of my time.

Ms. SCANLON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, let me thank the gentlewoman from Pennsylvania for her leadership and my good friend from Oklahoma as well.

My friend from Oklahoma may be, in fact, accurate to the extent that the 25th Amendment stands on its own as actions that the Vice President will take. But we are a coequal branch of government, and Mr. RASKIN's resolution is an appropriate resolution because we have a responsibility to govern and to protect the American people.

So this resolution is not in violation of the Constitution, because it is the Congress calling upon the Vice President to reflect on January 6, a day in infamy, to reflect the fact that there were six people who died, that we lost two precious law enforcement Capitol Hill Police, their injuries in many ways attributable to this, some in different ways than others, and we lost Americans.

Clearly, it is a long chain of events that goes back to the President of the United States. The President, when a duly announced election came about on November 6, 2020, proceeded to declare that it had been stolen and continued to stoke the fires of his believers to begin to plan some kind of attack, because he kept saying, "Come to Washington. I will see you there."

Then, of course, as time went on, I valued the President's right to the courts, of which he went, but he did not find that to be a solution for him.

So House Resolution 21 is the Congress speaking, and we have every right, as a coequal branch, to speak. Why?

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SCANLON. Mr. Speaker, I yield the gentlewoman from Texas an additional 30 seconds.

Ms. JACKSON LEE. We have that right, Mr. Speaker, because the FBI has indicated that they have seen 100,000 digital media, and they will be looking for more to see those who endangered all of those who were here.

My appreciation to the police and the floor staff and law enforcement, custodial staff, our staff, media, and others who were put in harm's way along with Members.

So I rise to support this resolution because it does not violate the Constitution or the intent of the 25th Amendment. It provides for the Congress to speak to ask the Vice President to recognize that this President is the only one who has ever stoked this kind of action.

Mr. COLE. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Arizona (Mrs. LESKO), who is my very good friend and fellow member of the Rules Committee.

Mrs. LESKO. Mr. Speaker, I rise in opposition to the rule.

Over the last week, we have heard calls from both parties' leaders, past and present, about the need for unity in our Nation. We have heard President-elect Biden and other members of the Democratic Party call for unity, a path forward for our Nation full of mutual consideration and respect.

Yet here we are today with Democrats charging in the opposite direction, further dividing our Nation by calling for the invocation of the 25th Amendment by the Vice President.

Let's consider this for a moment. My Democratic colleagues are demanding Vice President PENCE invoke the 25th Amendment and take over as President. With these calls, it is clear they have full faith in the Vice President and his ability to act in a manner that is consistent with his constitutional responsibility. Simply put, they trust him to do the job.

Yet the very demand they are making insinuates that Vice President PENCE cannot be trusted to make the decision to invoke the 25th Amendment on his own. It calls into question the core of his judgment.

If you trust someone to lead our Nation and be the acting President, shouldn't you also trust that same person to take the steps necessary to safeguard it if needed?

With that, I urge opposition to the rule.

Ms. SCANLON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Speaker, I rise today with great sadness and anger over the events that transpired on January 6, and I rise with steadfast determination to take every possible action to ensure that those who incited and committed the unconscionable acts on that day are brought to justice.

Last week's violent insurrection on the U.S. Capitol left at least six people dead and dozens injured. It was a stain on our Nation and our democracy. They beat police officers, they murdered a police officer, they planted pipe bombs, they brandished weapons, and they left our Nation shocked and mourning.

Just as this Congress returned mere hours after this insurrection to certify the lawful results of the 2020 Presidential election, we stand here today prepared to take firm, decisive, and necessary action to restore our country.

No President who invites thousands of his most devoted supporters to Washington and urges them to fight his political enemies by committing a seditious act on our democracy should be allowed to remain in office.

If the Vice President does not act to hold the President accountable, then we leave this Nation vulnerable to future demagogues.

That brings us here today, on this somber day, to carry out our sacred oath to defend and protect the Constitution from all enemies, foreign and domestic.

Mr. Speaker, I will vote to impeach those responsible, and I urge my colleagues to do the same.

Mr. Speaker, I rise today with great sadness and anger over the events that transpired on January 6th, and steadfast determination to take every possible action to ensure those who incited and committed the unconscionable acts on that day are brought to justice.

Last week's violent insurrection on the U.S. Capitol, which has left at least five people dead and dozens injured, was a stain on our nation and our democracy. The President's blatantly false claims about election fraud, which were parroted by current administration officials and members of the House and Senate, finally reached a tipping point last week when these boldface lies gave way to a violent assault on our nation's Capitol. Even after 64 failed attempts in federal court to substantiate the baseless claims about election fraud, the President, his administration, and members of Congress continued to double down and use these mistruths to incite a mob to stage a bloody insurrection against the United States Government. They beat and murdered police officers, they planted pipe bombs, brandished weapons, and left our nation shocked and in mourning.

What does it mean, then, for America that a sitting President invited thousands of his most fervent supporters to Washington and incited them to commence a violent occupation of the world's citadel of democracy—the United States Capitol?

Without a proper check and proportional response to these events, we will be doomed to re-live the same hell over and over again. In time, we will lose our democracy, our hallowed institutions, and irreparably tear at the very fabric of our nation. As elected leaders of this nation, we have a right, but more importantly, a moral obligation to respond to those who incited this riot in the strongest possible terms.

Just as this Congress returned mere hours after this insurrection to certify the lawful results of the 2020 Presidential election, we stand here today prepared to take firm, decisive, and necessary action to restore our country from the heinous state it spiraled into on 1/6/2021.

Mr. Speaker I rise today to implore the Vice President of the United States and the members of the President's cabinet to invoke the 25th Amendment and remove this dangerous President from office before he can inflict more harm on our nation. It's time for the Vice President to stand up for American democracy. I will also join my colleagues in supporting articles of impeachment against the President.

The President's violent rhetoric and actions pose a significant threat to our nation with every passing minute that he's allowed to remain in office. No President who invites thousands of his most devoted supporters to Washington and urges them to "fight" his political enemies by committing a seditious attack on our Capitol should be allowed to remain in office. Our nation has endured and persevered through so much, and it will survive this President. But if we do not act and hold him accountable, then we will leave our nation vulnerable to a future demagogue. That brings us here on this somber day to carry out our sacred oath to defend and protect the Constitution from all enemies foreign and domestic.

I will vote to impeach this President, and I urge my colleagues to do the same.

Mr. COLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to immediately bring up a resolution establishing a bipartisan national commission on the domestic terrorist attack on the United States Capitol.

This commission, modeled on the 9/11 Commission, will be charged with examining and reporting upon the facts and causes relating to the attack that occurred on January 6 of 2021 and with providing appropriate findings, conclusions, and recommendations for corrective measures.

I can think of no more appropriate path for Congress to follow, Mr. Speaker, than to ensure that a bipartisan commission reviews all evidence and reports back to us on this horrific event.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COLE. Mr. Speaker, I urge a "no" vote on the previous question.

Mr. Speaker, I yield 3 minutes to the gentleman from the great State of Kentucky (Mr. GUTHRIE) for further explanation of the amendment.

□ 1845

Mr. GUTHRIE. Mr. Speaker, I thank the gentleman from Oklahoma for yielding.

All of us just still are speechless about what happened last Wednesday. It is just amazing that it happened here, and I condemn it in the utmost words as a violent act against the Capitol Building. We must find those who did it, and we must prosecute them to the fullest extent of the law.

Every time I travel to Washington, the first thing I look for, as I did today, is if I could see it from my airplane window or if I could see it driving across the Potomac, the dome. I always feel pride that the people of the Second District of Kentucky, Mr. Speaker, allow me to serve under the dome.

When I got here today, it is still here. It is still standing. It is still the beacon throughout the world. It is bruised, but it is there. It is something that we all hold dear.

The protection of this building, that dome, this building, the office buildings but, most importantly, the people who work here, not those of us who are just elected to be here but those of us who work here and in service, I have faces I have talked to tonight on the floor that—I was not on the floor when it happened, but I knew the faces of the people who were, not just my colleagues, but those standing at the doors here tonight, Mr. Speaker, who have been through so much.

We can't let this happen again. If we defeat the PQ, the amendment my friend from Oklahoma has is a bipartisan commission to examine the circumstances and the attack, as well as its aftermath.

It will be modeled after 9/11 Commission to reduce duplication and increase communication and info-sharing between relevant government entities and law enforcement. The goal is to investigate, find the facts, and deliver reports so this can never happen again, and so we can better protect the Capitol complex and, most importantly, the employees that work here, serving our great country. We will protect them moving forward.

We all want answers, and this is the most prudent step at this time. We will follow wherever the facts lead us and take appropriate actions in response.

I urge the defeat of the PQ and the adoption of the amendment.

Ms. SCANLON. Mr. Speaker, we, of course, share the concern of our colleagues from the other side of the aisle that an incident like this never happens again. That is why we are urging the Vice President to invoke the 25th Amendment, because of the clear and present danger of continued violence under this administration.

While I believe there will be a time to talk about bipartisan efforts to have an investigation through this House, this is not the moment for it.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MATSUI), a distinguished former member of the Rules Committee.

Ms. MATSUI. Mr. Speaker, I rise today in support of the rule providing for consideration of the resolution before us today, calling on the Vice President to invoke the Fifth Amendment and remove President Trump from office immediately.

Last week, members of both parties came to the floor of this Chamber to take the oath of office. In that oath, each of us pledged to defend the Constitution against all enemies, foreign and domestic. I believe that oath compels me and my colleagues to act today.

Last Wednesday's armed insurrection at the United States Capitol was a coordinated attempt to overthrow our democratic process with violence. Make no mistake, these rioters viewed the President's repeated claims of fraud as a mandate to act. Lies, misinformation, and demagoguery have consequences.

Unfortunately, America witnessed those consequences last week, some on television, some under tables in barricaded offices, some in these Chambers, and some in the last moments of life.

It is not with joy that I immediately called on Vice President PENCE to invoke the 25th Amendment. I am co-sponsor of both this resolution and the Articles of Impeachment because I believe I have an obligation to honor my oath and defend the Constitution against a grave domestic threat.

On a personal note, I am taking this stand for the future of my grandchildren. Our obligation to them and to future generations is that this democracy stands.

So, it is with sadness but firm resolve that I rise to support this rule and implore my colleagues on the other side of the aisle to join me.

Mr. COLE. Mr. Speaker, I yield 2 minutes the gentlewoman from Michigan (Mrs. MCCLAIN), who will be giving her first address on the floor of the House.

Mrs. MCCLAIN. Mr. Speaker, I thank the gentleman from Oklahoma.

I rise today to echo many of my colleagues in the call for unity and a peaceful transition of power. I say this as a believer in the Constitution and the fact that the election has been certified.

First, the incitement of politically motivated violence that we saw last week is intolerable. Words have consequences, and, yes, the President could have done more. But I ask you this: Doesn't everybody need to play by the same rules?

Let me highlight some other questionable statements.

And I quote: "Let's make sure we show up wherever we have to show up. And if you see anybody from that Cabinet in a restaurant, in a department store, at a gas station, you get out and you create a crowd, and you push back on them, and you tell them they are not welcome anymore, anywhere." That was not President Trump.

Let me give you another one. "I just don't even know why there aren't uprisings all over the country." Again, not President Trump.

Can we all agree that at times our emotions get in the way because we love this country so much? But I ask you this: Whatever is good for one side, isn't it good for the other?

We all have the same name on the front of our jersey, and that is the United States of America. We need to start acting like it and let our actions follow our words.

Impeachment only incites more division. It does not provide unity.

I offer a solution. I am ready to come together and get to work for this great country in which we live.

Ms. SCANLON. I would just suggest that sedition is inherently divisive, and it is difficult to unify before there has been accountability.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. SUOZZI).

Mr. SUOZZI. Mr. Speaker, I support invoking the 25th Amendment to remove President Trump from office.

Former Congressman Tom Lantos, a Holocaust survivor, would often say the veneer of civilization is paper-thin. We are its guardians, and we cannot rest.

I was sitting right there on Wednesday when they told us to take out our gas masks because the rioters had breached the Capitol.

I was standing right over there as the Capitol Police locked and barricaded the Chamber doors. I heard what I thought were gunshots as the rioters broke the windows in the main Chamber door with a metal pipe.

I was standing right over there when the woman was shot outside the Speaker's lobby, and the police radios rang out: "Shots fired in the Capitol. Shots fired in the Capitol. Everyone down."

The veneer of civilization is paper-thin.

Thousands of people, criminals, desecrated our Capitol, breaking windows and doors, attacking our brave officers, and vandalizing offices. Rioters, wearing Army fatigues with Confederate and Trump flags, donned Nazi swastikas. That and I saw one man who wore a shirt saying: "Camp Auschwitz Staff."

Our President instigated this. The President's duty is to protect our Republic and its people. He built a mob, filled it with lies, and encouraged its fight to stop the steal. Now, we hear intelligence reports that thousands of armed militias and white supremacists are planning to come again on or before January 20.

My colleagues, my friends on the other side of the aisle, we must together call upon the President to denounce this violence, to tell his supporters to stay home.

Mr. President, you must please put America first. You must call off this attack. And if not, you must be removed.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. COLE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. RESCHENTHALER), who is the newest Republican member of the Rules Committee.

Mr. RESCHENTHALER. Mr. Speaker, let me be clear about something. The violence and the rioting in our Capitol last Wednesday was tragic. It was undemocratic, and it was unacceptable. I unequivocally condemn this criminal behavior that occurred in this building.

Our great Nation is deeply divided. Unfortunately, rather than looking forward and working together on issues that actually unite our country, we are here debating a partisan issue, a partisan resolution that will only further divide us.

The Constitution is very clear on the issue we are debating. The ability to activate section 4 of the 25th Amendment lies with the Vice President and Cabinet members, Cabinet members who are vetted and confirmed by the Senate.

Congress is only drawn in, House Members are only drawn in, when the President disputes a declaration of incapacitation. That is not what is happening here. We should respect that constitutional prerogative.

Mr. Speaker, I am also perplexed by my Democrat colleagues' attempt to

force the hand of a man that they clearly had faith in to run our country. They must recognize that by calling for the President's immediate resignation, they are also advocating for Vice President MIKE PENCE to lead our Nation. Therefore, they should have full trust in Vice President PENCE's decision-making ability to act in a manner consistent with his constitutional responsibilities, just as he did last week.

Further, I am incredibly and deeply disappointed that the rule before us suspends prohibitions on engaging in personalities against the President. It is somewhat ironic. If we are truly worried about rhetoric, then we must set an example and ensure that civility and decorum remain an essential part of the American discourse.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COLE. Mr. Speaker, I yield an additional 30 seconds to the gentleman.

Mr. RESCHENTHALER. Mr. Speaker, we must set an example and ensure that civility and decorum remain an essential part of the American discourse.

Ms. SCANLON. Just to clarify, this provision about suspending the rule about personalities is so that we can have a full and frank discussion of just why the request is being made to invoke the 25th Amendment and just why this President should be impeached. It would be difficult, if not impossible, to describe the high crimes and misdemeanors and other misconduct which forms the basis of those requests if that rule were not suspended.

As I mentioned in my opening, we don't view this as a partisan resolution. We have Members from all sides of the political spectrum now calling for the removal of this President. Members might want to check their news feed to see the growing list of civic, business, and religious leaders from across the country who have said: Enough is enough. This President is a clear and present danger.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE. Mr. Speaker, I yield myself such time as I may consume.

I would disagree somewhat with my good friend from Pennsylvania. I have had the privilege of being in this body for many years, and I have never seen what we see in sections 2 and 3 of this rule, the suspension of appropriate language.

I understand the difficulties of dealing with this issue and respect that. However, at a time when the rhetoric has been over the top, I think we should set a high example. We have never done this before in my time here. We didn't do it in previous impeachments.

□ 1900

The need to do it now is lost on me, Mr. Speaker.

Again, I have great confidence in my friend. I have great confidence in my friends on the Rules Committee.

So, the rule is the rule. This will almost certainly pass. I would just hope that everybody acts as good as they can. I mean, I hate to put it that simply, but this is an important issue.

I respect all the Members of this body. I know they have very different points of view on this. That is to be expected.

Generally, our debates are professional. Generally, that standard is something we are proud of and something that we aspire to. I hate to see it ever lowered or any exception provided.

I also have great confidence in the Speaker's Chair, and I know that they will enforce the appropriate level of civility and decency on the floor.

But, Mr. Speaker, I just ask my fellow Members to please, please think about this, because we have taken a very important safeguard off the rails of debate, so to speak.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. JORDAN), my very good friend, the distinguished Republican ranking member of the Judiciary Committee.

Mr. JORDAN. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. COLE) for yielding.

Mr. Speaker, this is scary. This is frightening, what is happening.

With less than 1 hour of debate, the Democrats bring a rule to the floor that says this: You can say anything you want about the President of the United States of America, no rules of decorum about what you say about the leader of our country.

In that rule, they say: If you don't wear a mask, you could get fined, no regard to whether you have already had COVID, whether you have had the vaccination. Your mask slips down a little bit, you get fined, in a rule with no debate?

In this rule, they say: To walk on the House floor, you have to go through a metal detector, a Member of the United States Congress walking on the floor to represent three quarters of a million people in our district?

And fourth, the rule is for the bill that says we should tell the Vice President of the United States to work to remove the President of the United States.

I have been here 14 years. I have never seen anything like this. And I do not know where this ends. I do not know where it ends, but it is dangerous where they are taking us.

You couple this with what we are seeing with the cancel culture mob out there, I do not know where this takes us.

I fear for the First Amendment. I fear for the Second Amendment. I fear for the Bill of Rights. I fear for the Constitution.

Mr. Speaker, I do not know where this takes us, but it is scary what they are throwing in a bill that we are going to debate for less than an hour, making these kinds of changes. I hope they reconsider.

Ms. SCANLON. Mr. Speaker, I am prepared to close. I would inquire if the gentleman has any more speakers.

Mr. COLE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, I want to urge all of my colleagues to vote "no" on this resolution.

The resolution asks this House to substitute its judgment for the Vice President's in making the grave decision to initiate procedures under section 4 of the 25th Amendment. Under the Constitution, this is a role that belongs exclusively to the Vice President and the Cabinet, not to the House of Representatives. Attempting to usurp this responsibility is not supported by the Constitution and would be a historic overreach.

Members should also take assurance from the Vice President's strong record of sound judgment. Rather than pressuring him into acting, we should be reassured by the knowledge that he would act on this topic as he does on all others in performing his duty, in a manner befitting his constitutional role as Vice President of the United States.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question and "no" on the rule, and I yield back the balance of my time.

Ms. SCANLON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, after the chaos and potentially—well, definitely criminal behavior that we saw here last week, there is no trust left between this administration and the majority of the American people.

The stability of our executive branch is a foundational piece of our democracy. This administration has failed or refused to uphold the most basic duties of protecting our Constitution and our national security or of respecting the coequal branches of our government.

Wednesday's bloody attack proved that this administration is an imminent and continuing danger to our country even in the waning days of this Presidency.

I am heartbroken for our country but more determined than ever to fight to preserve our democracy.

Mr. Speaker, I call on Vice President PENCE and the Cabinet to do the right thing. I call upon our colleagues to do the right thing: to put our country before the interests of any one man and to join us in ending this failed Presidency.

Mr. Speaker, I urge all of my colleagues to support the rule and the underlying legislation.

The material previously referred to by Mr. COLE is as follows:

AMENDMENT TO HOUSE RESOLUTION 38

At the end of the resolution, add the following:

SEC. 5. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the bill (H.R. 275) to establish the National Commission on the Domestic Terrorist Attack Upon the United States Capitol. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be

considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Homeland Security; and (2) one motion to recommit.

SEC. 6. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 275.

Ms. SCANLON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COLE. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 6 minutes p.m.), the House stood in recess.

□ 1932

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. JACKSON LEE) at 7 o'clock and 32 minutes p.m.

PROVIDING FOR CONSIDERATION OF H. RES. 21, CALLING ON VICE PRESIDENT PENCE TO CONVENE AND MOBILIZE THE CABINET TO ACTIVATE SECTION 4 OF THE 25TH AMENDMENT TO DECLARE PRESIDENT DONALD J. TRUMP INCAPABLE OF EXECUTING THE DUTIES OF HIS OFFICE; AND FOR OTHER PURPOSES

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on ordering the previous question on the resolution (H. Res. 38) providing for consideration of the resolution (H. Res. 21) calling on Vice President MICHAEL R. PENCE to convene and mobilize the principal officers of the executive departments of the Cabinet to activate section 4 of the 25th Amendment to declare President Donald J. Trump incapable of executing the duties of his office and to immediately exercise powers as acting President; and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 219, nays 206, not voting 7, as follows: